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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,359

Applicant(s)

HAYDEN, DOUGLAS TODD

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Claims 1-20 are currently presented and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 November 2005 has been entered.

Response to Arguments

Applicant's arguments filed 11 November 2005 have been fully considered but they are not persuasive.

The Applicant continues to argue that Fogg does not teach inviting a remote computer to be notified of changes and registering a hyperlink when the remote computer accepts the invitation. While the Applicant has properly equated the Examiner's interpretation of the remote computer recited in the claims as the "feeding site" disclosed in Fogg and the host computer as the "receiving site", the Applicant has failed to consider the relevant portions of Fogg that the Examiner has cited and the Examiner submits that Fogg does in fact teach the

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claimed invention. Specifically, it appears that the Applicant has not considered the relevant portions taught in column 6, line 58-column 7, line 36 of Fogg as previously shown in the Final Rejection mailed 15 July 2005.

Fogg discloses:

"When the receiving site processes a document request from a feeding site not already in the re-linker database 182 (800) the receiving site sends an E-mail message to the feeding site asking permission to automatically update feeding site documents or at least those pointing to the receiving site (810)...Upon receiving the message, the webmaster or an automatic process must decide whether to grant update re-link permission to the receiver...If the signed request is authentic, the feeding site enters update permissions in the security database for the server to permit the receiving site to make changes in the files on the server...When the receiving site receives the signed update authorization message...the receiving site may then record the update authority by making an entry into the receiving site feeder database." (column 6, line 58-column 7, line 36)

As the Examiner previously submitted in the Final Rejection, Fogg discloses inviting a remote computer to register a hyperlink with a host computer or "the receiving site sends an

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E-mail message to the feeding site asking permission to automatically update feeding site documents or at least those pointing to the receiving site" and registering the hyperlink when the remote computer accepts the invitation to register or "when the receiving site receives the signed update authorization message...the receiving site may then record the update authority by making an entry into the receiving site feeder database" as claimed.

In other words, when the receiving site sends an e-mail to the feeding site requesting permission, this is interpreted by the Examiner to be an "invitation". The Examiner submits that this is a proper interpretation since the specification does not provide a clear definition for the term "invitation", therefore, the Examiner is required to interpret this element by its plain meaning as if the term was interpreted by one of ordinary skill in the art. See MPEP § 2111.01. The term "invitation" is interpreted to mean that a request that would potentially involve some interaction between two distinct entities is sent to another entity to which to a reply regarding the request is requested. Since Fogg discloses that the receiving site receives a "signed update authorization message" for "update authority" from the feeding site, Fogg does disclose wherein the feeding site "accepts" the "invitation" when "...[u]pon receiving the

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message, the webmaster or an automatic process [at the feeding site] must decide whether to grant update re-link permission to the receiver" and "If the signed request is authentic, the feeding site enters update permissions in the security database for the server to permit the receiving site to make changes in the files on the server...". Note that Fogg suggests that a webmaster of the feeding site may make the decision to accept the message or invitation. Therefore, Fogg does not teach "compulsory inclusion" as argued by the Applicant.

Fogg also discloses that the "registration" occurs whereby the receiving site "mak[es] an entry into the receiving site feeder database" after "the receiving site receives the signed update authorization message [from the feeding site]".

The Examiner also maintains the views provided in the Advisory Action mailed 11 October 2005 regarding the "notification" of the remote computer of changes in a data file.

Therefore, Fogg does teach the claimed invention and the claims are not in condition of allowance in view of Fogg.

Since the Applicant appears to rely on the interpretation of the method of invitation to distinguish over Fogg, the Examiner suggests that the claims be amended to specifically define the invitation method which the Applicant regards as their invention.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 321 242 to Fogg et al.

Regarding claim 1, Fogg discloses a method for preserving hyperlinks, comprising:

inviting a remote computer (referred to throughout the reference as "feeding site") including a hyperlink stored thereon to register said hyperlink with a host computer hosting a data file associated with said hyperlink ("receiving site"); (column 4, lines 25-37; column 6, line 58-column 7, line 36, specifically column 6, lines 61-66) and

when said remote computer accepts an invitation to register, registering said hyperlink stored on said remote computer with said host computer hosting said data file

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associated with said hyperlink; (column 6, line 58-column 7, line 36; specifically column 7, lines 30-36) and

notifying said remote computer of a change in said data file associated with said hyperlink ("document" associated with hyperlink of "receiver URL" or "old URL"). (Figure 4; column 5, lines 20-47, specifically lines 22-30 and 43-47)

Regarding claim 2, Fogg discloses the method of claim 1, wherein registering said hyperlink stored on said remote computer comprises:

identifying said data file associated with said hyperlink ("receiver URL") (column 5, line 59-column 6, line 20, specifically column 5, lines 3-9 and 11-13); and

identifying an e-mail address for notifying via e-mail changes to said data file. (column 6, lines 14-41, specifically 19-21)

Regarding claim 3, Fogg discloses the method of claim 2, further comprising saving said data file identification in a user database ("re-linker database"). (column 5, line 59-column 6, line 20, specifically column 5, lines 14-15)

Regarding claim 6, Fogg discloses the method of claim 1, wherein notifying said remote computer of a change in said data file associated with said hyperlink comprises e-mailing a

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notification of said data file change to said remote computer.

(column 4, lines 51-54; column 6, lines 14-41)

Regarding claim 7, Fogg discloses the method of claim 1, wherein notifying said remote computer of a change in said data file associated with said hyperlink comprises notifying an individual in charge of maintaining said hyperlink of said change in said data file. (column 4, lines 51-54; column 6, lines 14-41)

Regarding claim 8, Fogg discloses a method for preserving Internet or intranet communications, comprising:

storing at a network computer a hyperlink for linking to at least one data file stored on a host server; (column 4, lines 25-37)

inviting said network computer including said hyperlink stored thereon to register said hyperlink with said host server hosting said at least one data file associated with said hyperlink; (column 6, line 58-column 7, line 36, specifically column 6, lines 61-66) and

when said network computer accepts an invitation to register, registering said hyperlink with said host server; (column 6, line 58-column 7, line 36, specifically column 7, lines 30-36) and

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notifying a party responsible for maintenance of said hyperlink of any changes in said at least one data file that affect the integrity of said hyperlink. (column 4, lines 51-54; column 5, lines 20-47, specifically lines 22-30 and 43-47; column 6, lines 14-41)

Regarding claim 9, Fogg discloses the method of claim 8, further comprising, storing a set of registration data in a user database ("re-linker database"); (column 5, line 59-column 6, line 20, specifically column 5, lines 14-15).

Regarding claim 10, Fogg discloses the method of claim 9, wherein storing a set of registration data in a user database comprises storing a set of registration data in a user database accessible to said host server ("re-linker database"). (column 5, line 59-column 6, line 20, specifically column 5, lines 14-15)

Regarding claim 11, Fogg discloses the method of claim 9, wherein storing a set of registration data in a user database comprises storing a set of registration data selected from the group consisting of uniform resource locators, e-mail addresses, hyperlinks, and data file names. (column 5, line 59-column 6, line 20, specifically column 5, lines 14-15)

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Regarding claim 12, Fogg discloses the method of claim 8, wherein said storing a hyperlink comprises, storing a hyperlink on a network computer. (column 4, line 29-31)

Regarding claim 13, Fogg discloses the method of claim 8, wherein registering said hyperlink with said host server comprises initiating said registration by said host server. (column 4, lines 38-45)

Regarding claim 14, Fogg discloses the method of claim 8, wherein registering said hyperlink with said host server comprises:

retrieving a uniform resource locator associated with said network computer storing said hyperlink; (column 4, line 59-column 5, line 20, specifically column 5, lines 9-11)

identifying a file name ("document name") of said at least one data file stored on said host server associated with said hyperlink; (column 4, line 59-column 5, line 20, specifically column 5, lines 3-11) and

storing said uniform resource locator and said identified file name in a user database. (column 4, line 59-column 5, line 20, specifically column 5, lines 14-15)

Regarding claim 15, Fogg discloses the method of claim 8, wherein said notifying a party responsible for maintenance of said hyperlink of any changes in said at least one data file

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that affect the integrity of said hyperlink comprises e-mailing a notification to said party responsible for maintenance of said hyperlink. (column 4, lines 51-54; column 6, lines 14-41)

Regarding claim 16, Fogg discloses a registration and notification system for preserving the integrity of hyperlinks, comprising:

- a host server; ("receiving site")

- at least one data file accessible to said host server; ("document")

- at least one remote server; ("feeding site")

- at least one hyperlink stored on said at least one remote server, said at least one hyperlink associated with said at least one data file (column 4, lines 25-37, specifically lines 29-31), said host server further configured to invite said at least one remote server, said at least one remote server including said at least one hyper link stored thereon to register said at least one hyperlink with said host server hosting said at least one data file associated with at least one hyperlink; (column 6, line 58-column 7, line 36, specifically column 6, lines 61-66) and

- a user database stored on said host server for identifying said at least one hyperlink associated with said at least one data file when said at least one remote server accepts an

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invitation to register ("re-linker database" or "feeder database"; column 5, line 59-column 6, line 20, specifically column 5, lines 3-9 and 11-13; column 6, line 58-column 7, line 36, specifically column 7, lines 30-36)

Regarding claim 17, Fogg discloses the system of claim 16, wherein said host server comprises:

at least one central processing unit ("CPU"); at least one input device; at least one output device ("display"); at least one communications port; at least one storage media for storing data ("disk drive"); (column 3, line 45-column 4, line 7) and

a URL address associated with said host server. ("receiver URL") (column 5, line 59-column 6, line 20, specifically column 5, lines 3-9 and 11-13)

Regarding claim 18, Fogg discloses the system of claim 17, wherein said user database stored on said host server is stored on said at least one storage media. (column 4, lines 33-35)

Regarding claim 19, Fogg discloses the system of claim 16, wherein said remote server comprises:

at least one central processing unit ("CPU"); at least one input device; at least one output device ("display"); at least one communications port; at least one storage media for storing data ("disk drive"); (column 3, line 45-column 4, line 7) and

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a URL address associated with said host server. ("referrer URL") (column 4, line 67-column 5, line 11)

Regarding claim 20, Fogg discloses the system of claim 16, wherein said user database stored on said host server comprises data selected from the group consisting of uniform resource locators, email addresses, hyperlinks, and data file names. (column 5, line 59-column 6, line 20, specifically column 5, lines 14-15)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogg et al.

Regarding claim 4, Fogg discloses the method of claim 2.

Fogg does not expressly disclose further comprising saving said e-mail address identification in a user database, however, Fogg does disclose wherein the email address is saved in a user database on the remote computer ("webmaster information file") and the host computer retrieves the email address (column 6, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fogg since Fogg suggests that a user database may contain other information (column 5, lines 15-20). In view of these suggestions and teachings shown above in Fogg, one of ordinary skill would have been found it obvious to modify the reference so that an email address could be saved in a user database.

Regarding claim 5, Fogg discloses the method of claim 2, further comprising:

saving said data file identification in a user database accessible to said host computer ("re-linker database"). (column

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5, line 59-column 6, line 20, specifically column 5, lines 14-15).

Fogg does not disclose saving said e-mail address identification in a user database accessible to said host computer and creating a relationship between said saved data file identification and said saved e-mail address identification for facilitating said notifying of said remote computer of a change in said data file, however, Fogg does disclose wherein the email address is saved in a user database on the remote computer ("webmaster information file") and the host computer retrieves the email address (column 6, lines 19-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fogg since Fogg suggests that a user database saved on the host computer may contain other information useful for creating relationships between data (column 5, lines 15-20). In view of these suggestions and teachings shown above in Fogg, one of ordinary skill would have been found it obvious to modify the reference so that an email address could be saved in a user database accessible to the host computer.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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